Practitioner's Docket No. 870-003-174

10/506477

Preliminary Classification:

Proposed Class:

310

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent

applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application

papers, for example 'Proposed Class 2, subclass 129.' " M.P.E.P., § 601, 7th ed.

TRANSMITTAL LETTER TO THE UNITED STATES ELECTED OFFICE (EO/US) (ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/EP	03/01312	•	11	FEB. 2003	UZ MAKCH ZUUZ
INTERNATION	VAL APPLICAT	TION NO.	li	VITERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
FAN HA	AVING AN	INTEGRATED	IP	PROTECTION	
TITLE OF IN	ENTION			,	
Michae	1 WEISS	ER		· · · · · · · · · · · · · · · · · · ·	
APPLICANT(S	5)	•			
Mail Stop	PCT				
Commiss	ioner for	Patents			
P.O. Box	1450				•
Alexandri	a, VA 223	313-1450			
	<u>-</u>	EXPRESS M	AIL	ING UNDER 37 C.F.R.	§ 1.10*
				label number is mandat	
		(Expre	ss N	lail certification is optional.)
I hereby cert	tify that this	paper, along with	any	document referred to, is b	eing deposited with the United States elope addressed to the Commissioner
					•
for Patents, I	P.O. Box 145	50, Alexandria, VA	2231	3-1450 as "Express Mail Po	ost Office to Addressee" Mailing Label
No. 114 3	73301423	OB		0	01
				Jorothy	Jomasco
				(type or print name of	of person malling paper)
				Dorothy To	omasco
		•		Signature of persor	
WARNING:		• •	•	r facsimile transmission pr r transmission for this corr	ocedures of 37 C.F.R. 1.8 cannot be respondence.
*WARNING:	placed the	reon prior to mailli	1g. 3	7 C.F.R. 1.10(b).	ber of the "Express Mail" mailing label
	is an oversi	ight that can be a	rolde	d by the exercise of reason	ne Express Mall mailing label thereon nable care, requests for waiver of this 1996, 60 Fed. Reg. 56,439, at 56,442.
	•	•		•	ffice (EO/US) [13-18]page 1 of 10)

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- NOTE: To evoid abandonment of the application, the applicant shall furnish to the USPTO, not later than the expiration of 30 months from the priority date: (1) a copy of the international application, unless it has been previously communicated by the international Bureau or unless it was originally filed in the USPTO; and (2) the basic national fee (see 37 C.F.R. § 1.492(a)). The 30-month time limit may not be extended. 37 C.F.R. § 1.495(a) and (b).
- WARNING: Where the Items are those which can be submitted to complete the entry of the International application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing—See 37 C.F.R. § 1.8.
- NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 U.S.C. § 371 otherwise the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.494(g).
- I. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. § 371:
 - a. This express request to Immediately begin national examination procedures (35 U.S.C. § 371(f)).
 - b. The U.S. National Fee (35 U.S.C. § 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

2. Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULA- TIONS		
-	TOTAL CLAIMS						
		19 -20=	0	× \$18.00=	\$ 0.00		
	INDEPENDENT CLAIMS						
		1 -3=		× \$86.00=	0.00		
	MULTIPLE DEPI						
BASIC FEE	AUTHORITY Where an In	AS INTERNATIONAL ternational prelimina	ry examination fee	as set forth			
	U.S. PTO:	in § 1.482 has been paid on the international application to the					
	st	ates that the criteria viousness) and indu	of novelty, inventi strial activity, as d	ive step (non- lefined in PCT			
	d	ticle 33(2) to (4) have aims presented in th	e application ente	ring the			
	☐ ar	itional stage (37 C.F. id the above required 1.492(a)(1))	ments are not met	(37 C.F.R.			
	U.S. PTO WA						
	in § 1.482 ha	ternational preliminal as been paid to the l search fee as set fo	U.S. PTO, and pay	ment of an			
		s been paid (37 C.F. s not been paid (37					
	☐ wf	nere a search report s been prepared by	on the internation the European Pate	al application			
		9 Japanese Patent O 1.492(a)(5))		X \$900 00			
		· · · · · · · · · · · · · · · · · · ·	Total of abov	\$920.00 re Calculations			
SMALL	Reduction by V.	for filing by small en	tity, if applicable.	Assertion	920.00		
ENTITY	must be made. (_ 0					
				Subtotal	\$920.00		
		\$ 920.00					
	Fee for recording C.F.R. § 1.21(h)). COVER SHEET".						
OTAL		, 	Total	Fees enclosed	\$ 920.00		

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DT09 Rec'd PCT/PTO 0 1 SEP 2004 at Reducing the Number of Claims.

See attached Preliminary Americanent Reducing the Number of Section
Attached is a XIII check * I money order in the amount of \$ 920.00
Authorization is hereby made to charge the amount of \$
xx to Deposit Account No. <u>23-0442</u> ★CHECK # 26054
to Credit card as shown on the attached credit card information authorization form PTO-2038.
WARNING: Credit card information should not be included on this form as it may become public.
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
A duplicate of this paper is attached.
"WARNING: "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: " " (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).
WARNING: If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.
☐ Assertion of Small Entity Status
☐ Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.
NOTE: 37 C.F.R. § 1.27(c) deals with the assertion of small entity status, whether by a written specific declaration thereof or by payment as a small entity of the basic filing fee or the fee for the entry into the national phase as states:
"(c) Assertion of small entity status. Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraphs (c)(1) or (c)(3) of this section, in the application or patent in which such small entity fees are to be paid.
(1) Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:
(i) Be clearly identifiable;
(ii) Be signed (see paragraph (c)(2) of this section); and
(iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement.
(2) Parties who can sign and file the written assertion. The written assertion can be signed by:
(i) One of the parties identified in §§ 1.33(b) (e.g., an attorney or agent registered with the Office),§§ 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
(ii) At least one of the individuals identified as an inventor (even though a §§ 1.63 executed oath or declaration has not been submitted), notwithstanding §§ 1.33(b)(4), who can also file the written assertion pursuant to the exception under §§ 1.33(b) of this part; or
(iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under

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(3) Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.

(i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in §§ 1.16(e), or §§ 1.16(f).

(ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent."

3. XXX A copy of the International application as filed (35 U.S.C. § 371(c)(2)):

NOTE: Section 1.495(b) requires that the basic national fee and a copy of the international application must be filed with the Office before the expiration of 30 months from the priority date to avoid abandonment. "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

			•	
		a.	X	is transmitted herewith.
		b.		is not required, as the application was filed with the United States Receiving Office.
		c.		has been transmitted
			i.	☐ by the International Bureau.
				Date of mailing of the application (from form PCT/1B/308):
			li.	□ by applicant on (Date)
4. 1	X			ation of the International application into the English language .C. § 371(c)(2)):
		a.	XX	is transmitted herewith.
		b.		is not required as the application was filed in English.
		c.		was previously transmitted by applicant on (Date)
		d.		will follow.
VOTE:	37	C.F.	R. 6	1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty

TE: 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits . . . a translation of the international application, as filed, into the English language, if it was originally filed in another language (35 U.S.C. 371(c)(2)) . . . applicant will be so notified and given a period of time within which to file the translation . . . in order to prevent abandonment of the application. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than the expiration of thirty months after the priority date A "Sequence Listing" need not be translated if the "Sequence Listing" complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b)."

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5	. Þ	A Z n	men 35 U	dmen .S.C.	ts to the claims of the International application under PCT Article 19 § 371(c)(3)):					
N	OTE:	E: The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(d) requires that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The fallure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or kilomatic errors may be corrected." 1147 O.G. 29-40, at 36.								
NC	OTE:	trans not k which	lation ater ti	of thos nan the not rec	15(d): "A copy of any amendments to the claims made under PCT Article 19, and a see amendments into English, if they were made in another language, must be furnished expiration of thirty months from the priority date. Amendments under PCT Article 19 selved by the expiration of thirty months from the priority date will be considered to					
		a.		are	transmitted herewith.					
		b.		hav	ve been transmitted					
			i.		by the International Bureau.					
					Date of malling of the amendment (from form PCT/1B/308):					
			II.		by applicant on (Date)					
		C.	/ K	hav	e not been transmitted as A Preliminary Amendment is enclosed instead.					
			i.		applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/210.):					
			li.		the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.					
6.	x x	A 1	trans U.S	lation S.C. §	of the amendments to the claims under PCT Article 19 371(c)(3)):					
		a.			ansmitted herewith.					
		b.		is no	ot required as the amendments were made in the English language.					
		C.	XXX		not been transmitted for reasons indicated at point 5(c) above.					
' .		Ac			e international examination report (PCT/IPEA/409)					
				is tra	ansmitted herewith.					
				is no	ot required as the application was filed with the United States elving Office.					
		Anr	ex(e	s) to	the international preliminary examination report					
		a.			e transmitted herewith.					
		b.		is/and Rece	e not required as the application was filed with the United States olving Office.					

BEST AVAILABLE COPY

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9.

DT09 Rec'd PCT/PTO 0 1 SEP 2004

1 A translation of the annexes to the international preliminary examination report NOTE: 37 C.F.R. § 1.497(e) "A translation into English of any annexes to an international preliminary examination report (if applicable), if the annexes were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Translations of the annexes which are not received by the expiration of thirty months from the priority date may be submitted within any period set pursuant to paragraph (c) of this section accompanied by the processing fee set forth in § 1.492(f). Annexes for which translations are not timely received will be considered canceled." b. Is not required as the annexes are in the English language. 10. XXX An oath or declaration of the inventor (35 U.S.C. § 371(c)(4)) complying with 35 U.S.C. § 115 a.
was previously submitted by applicant on _____ b. xxx is submitted herewith, and such oath or declaration ☐ is attached to the application. li. identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. § 1.70.

c. will follow.

NOTE: 37 C.F.R. § 1.495(c): "If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date but omits... the oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so notified and given a period of time within which to file the ... oath or declaration in order to prevent abandonment of the application... The payment of the surcharge set forth in § 1.492(e) is required for acceptance of the oath or declaration of the inventor later than the expiration of thirty months after the priority date."

- II. Other document(s) or information included:
 - 11. 🛣 An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
 - WARNING: M.P.E.P., § 1893.03(g), 8th Edition: Information Disclosure Statement in a National Stage Application

"When an international application is filed under the Patent Cooperation Treaty (PCT), prior art documents may be cited by the examiner in the international search report and/or the international preliminary examination report. When a national stage application is filed under 35 U.S.C. 371, or a national application is filed under 35 U.S.C. 111 claiming benefit of the filing date of the international application, it is often desirable to have the examiner consider the documents cited in the international application when examining the national application.

"As a result of an agreement among the European Patent Office (EPO), Japanese Patent Office (JPO), and the United States Patent and Trademark Office (USPTO), copies of documents cited in the international search report issued by any one of these International Searching Authority Offices generally are being sent to the other Offices when designated in the international application. Accordingly, in many national stage applications where the international search was conducted by the EPO, JPO, or USPTO, copies of the documents cited in the International search report are made available to the examiner in the national stage application.

OTO9 Rec'd PCT/PTO 0 1 SEP 2004 "When all the requirements for a national stage application have been completed, applicant is notified (Form PCT/DO/EO/903) of the acceptance of the application under \$5 U.S.C. 371, including an itemized list of the items received. The itemized list includes an indication of whether a copy of the International search report and copies of the references cited therein are present in the national stage file. The examiner will consider the documents cited in the international search report, without any further action by applicant under 37 CFR 1.97 and 1.98, when both the international search report and copies of the documents are indicated to be present in the national stage file. The examiner will note the consideration in the first Office action. There is no requirement that the examiners list the documents on a PTO-892 form. See form paragraphs 6.53, 6.54, and 6.55 (reproduced in MPEP § 609). Otherwise, applicant must follow the procedure set forth in 37 CFR 1.97 and 1.98 in order to ensure that the examiner considers the documents cited in the international search report.

"This practice applies only to documents cited in the international search report relative to a national stage application filed under 35 U.S.C. 371. It does not apply to documents cited in an international preliminary examination report that are not cited in the search report. It does not apply to applications filed under 35 U.S.C. 111(a) claiming the benefit of an international application filing

	а	. 🛛	s transmitted herewith.
	b	. 🗆	has been transmitted by the International Bureau.
			Date of mailing (from form PCT/IB/308):
	С	. 🗆	is not required, as the application was searched by the United States International Searching Authority.
	d	. 🗆	will be transmitted promptly upon request.
	е.		has been submitted by applicant on (Date)
12. K	X A	n Info	ormation Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98:
NOTE:	37 C	.F.R. §	1.97
			nformation disclosure statement shall be considered by the Office if filed by the applicant one of the following time periods:
	inte	(2) Wite emation	hin three months of the date of entry of the national stage as set forth in § 1.491 in an nal application.
	a.	XXX	is transmitted herewith.
Α	lso tr	ansm	litted herewith is/are:
			Form PTO-1449 (PTO/SB/08A and 08B).
			Copies of citations listed.
	b.		will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. § 371(c).
	C.		was previously submitted by applicant on (Date)
13. 🛘	An	assi	gnment document is transmitted herewith for recording.
			ate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANEW PATENT APPLICATION" or FORM PTO 1595 is also attached.
			<u> </u>
			·

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10/506477 14. Additional documents: a. Copy of request (PCT/RO/101) DT09 Rec'd PCT/PT0 0 1 SEP 2004 b. 171 International Publication No. WO 03/075433 A1 Specification, claims and drawing II. ☐ Front page only Preliminary amendment (37 C.F.R. § 1.121) d.

Other 15.

The above checked items are being transmitted a. XXX before 30 months from any claimed priority date. b. after 30 months. 16. Certain requirements under 35 U.S.C. § 371 were previously submitted by the applicant on _ _____, namely: **AUTHORIZATION TO CHARGE ADDITIONAL FEES** WARNING: Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized. NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3). NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a). Please charge, in the manner authorized above, the following additional fees that

may be required by this paper and during the entire pendency of this application:

37 C.F.R. § 1.492(a)(1), (2), (3), and (4) (filing fees)

WARNING: Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.

37 C.F.R. § 1.492(b), (c) and (d) (presentation of extra claims)

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			STOCKED OF THE OWNER OF THE
NOTE:	must only be set for respo	e paid or these claims car onse by the PTO in any n toe the PTO to charge add	sultiple dependent claims not paid on filing or on later presentation neelled by amendment prior to the expiration of the time period office of fee deficiency (37 C.F.R. § 1.492(d)), it might be best thonal claim fees, except possible when dealing with amendments
•	EX	37 C.F.R. § 1.17 (a	application processing fees)
		37 C.F.R. § 1.17(a)	(1)-(5) (extension fees pursuant to § 1.136(a).
		37 C.F.R. § 1.18 (is pursuant to 37 C.F.	sue fee at or before malling of Notice of Allowance, .R. § 1.311(b))
,	may be filed it general author to the malling fee and will at the issue fee, current PTOL abandoned in to pay the issue fee transin reply to a in to charge the malling of of the correct Fed. Reg. 54	in an Individual application orizations to pay fees and g of a notice of allowance not be given effect to act , should submit a new au ,-85B form. Where no repl otwithstanding the presen sue fee that were submitte ay the Issue fee but an inc smittal form (currently PTC lotice of allowance, an ext e Issue fee to any deposit the notice of allowance) a t Issue fee. § 1.311(b). Si 1603-54683, at 54646 and	
<i>NОТЕ:</i>	be filed in the of 37 C.F.R. §	application prior to p \$ 1.28(b): (a) notification o	on of any change in loss of entitlement to small entity status must beying, or at the time of paying issue fee." From the wording of change of status must be made even if the fee is paid as "other ation is required if the change is to another small entity.
		and/or filing an Eng	e) and (f) (surcharge fees for filing the declaration lish translation of an International Application later er the priority date).
			Milton Oliver SIGNATURE OF PRACTITIONER
Reg. No.:	28,333		
			MILTON OLIVER
16i. No.: (203) 261	l-1234	(type or print name of practitioner)
Customer	No.: 004	4955	P.O. Address